

Serial No.: 10/663,006
Docket No.: ECV-5662
Amendment dated March 8, 2006
Responsive to the Office Action dated February 10, 2006

REMARKS/ARGUMENTS

Claims 1-19 remain pending, though claim 11 has been withdrawn.

The Examiner has restricted the claims under 35 U.S.C. §121 to the following inventions:

5 I. Claims 1-11, drawn to a suturing template, classified in class 606, subclass 150.
 II. Claims 12-19, drawn to a method of implanting a heart valve, classified in class
623, subclass 2.11.

10 Applicants traverses the Restriction Requirement. The Examiner reasons that the method
of claim 12 can be performed by hand (i.e., the method can be performed by a materially different
apparatus than claims 1-11). However, claim 12 includes steps that cannot be performed by hand.
In particular, the step of placing a suture template having a plurality of notches at a location of the
heart that is to receive the prosthetic valve cannot be done by hand. Furthermore, the method
includes placing a plurality of sutures through the template notches so as to properly attach the
15 prosthetic valve. Applicant fails to see how this method can be performed without the template,
and thus it cannot be performed by hand.

20 Accordingly, Applicant respectfully requests the Examiner withdraw the invention
Restriction Requirement and examine both sets of claims. Applicant further suggest that class
623, subclass 2.11 is a more appropriate primary classification because of the stated application of
the suture template of amended claim 1 "for facilitating implantation of a prosthetic heart valve,"
and because the template mimics the shape of the prosthetic heart.

25 In the event that the Examiner disagrees, Applicant provisionally elects invention II, claims
12-19.

25 The Examiner has further restricted the application to the following species:
Species (i): Figure 4a
Species (ii): Figure 4d

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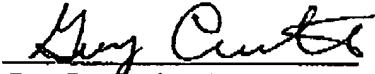
Applicant elects without traverse the invention of Species (i) embodied in Figure 4a. Currently, claims 1-10 and 12-19 read on species (i). Accordingly, claim 11 has been withdrawn pending allowance of a generic base claim. Both claims 1 and 12 are generic.

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If there is any further hindrance to allowance, the Examiner is encouraged contact the undersigned by telephone.

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Respectfully submitted,



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